

Senate Engrossed House Bill

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 293

# HOUSE BILL 2402

AN ACT

AMENDING SECTION 28-909, ARIZONA REVISED STATUTES; RELATING TO PASSENGER RESTRAINTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-909, Arizona Revised Statutes, is amended to  
3 read:

4 28-909. Vehicle restraints required; exceptions; civil penalty

5 A. Each front seat occupant of a motor vehicle that is designed for  
6 carrying ten or fewer passengers, that is manufactured for the model year  
7 1972 and thereafter and that is required to be equipped with an integrated  
8 lap and shoulder belt or a lap belt pursuant to the federal motor vehicle  
9 safety standards prescribed in 49 Code of Federal Regulations section 571.208  
10 shall either:

11 1. Have the lap and shoulder belt properly adjusted and fastened while  
12 the vehicle is in motion.

13 2. If only a lap belt is installed where the occupant is sitting, have  
14 the lap belt properly adjusted and fastened while the vehicle is in motion.

15 B. The operator of a motor vehicle that is ~~subject to the requirements~~  
16 ~~of this section~~ DESIGNED FOR CARRYING TEN OR FEWER PASSENGERS, THAT IS  
17 MANUFACTURED FOR THE MODEL YEAR 1972 AND THEREAFTER AND THAT IS REQUIRED TO  
18 BE EQUIPPED WITH AN INTEGRATED LAP AND SHOULDER BELT OR A LAP BELT PURSUANT  
19 TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS PRESCRIBED IN 49 CODE OF  
20 FEDERAL REGULATIONS SECTION 571.208 shall require each front seat passenger  
21 under sixteen years of age to ~~comply with this section~~ EITHER:

22 1. HAVE THE LAP AND SHOULDER BELT PROPERLY ADJUSTED AND FASTENED WHILE  
23 THE VEHICLE IS IN MOTION.

24 2. IF ONLY A LAP BELT IS INSTALLED WHERE THE PASSENGER IS SITTING,  
25 HAVE THE LAP BELT PROPERLY ADJUSTED AND FASTENED WHILE THE VEHICLE IS IN  
26 MOTION.

27 C. A peace officer shall not stop or issue a citation to a person  
28 operating a motor vehicle on a highway in this state for a violation of this  
29 section unless the peace officer has reasonable cause to believe there is  
30 another alleged violation of a motor vehicle law of this state.

31 D. If a person is found responsible for a civil traffic violation  
32 under this section, a department or agency of this state shall not consider  
33 the violation for the purpose of determining whether the person's driver  
34 license should be suspended or revoked. A court shall not transmit abstracts  
35 of records of violations of this section to the department.

36 E. An insurer shall not consider a civil traffic violation under this  
37 section as a traffic violation against the person for the purposes of  
38 establishing rates for motor vehicle liability insurance or determining the  
39 insurability of the person. An insurer shall not cancel or refuse to renew  
40 any policy of insurance because of the violation.

41 F. This section does not apply to:

42 1. A child subject to the requirements of section 28-907.

43 2. A person possessing a written statement from a physician that the  
44 person is unable for medical or psychological reasons to wear a lap and  
45 shoulder belt or a lap belt.

1        3. A letter carrier of the United States postal service while the  
2 letter carrier is performing the letter carrier's duties.

3        G. If a person is found responsible for a civil traffic violation  
4 under this section, the person is subject to a maximum civil penalty of ten  
5 dollars for each violation.

6        ~~H. The driver of a motor vehicle found responsible for a civil traffic~~  
7 ~~violation of subsection B of this section is subject to a maximum civil~~  
8 ~~penalty of ten dollars for each violation.~~

APPROVED BY THE GOVERNOR MAY 22, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 23, 2002.

Passed the House April 9, 2002,

by the following vote: 32 Ayes,

21 Nays, 7 Not Voting

Jake Elkus  
Speaker of the House  
Pro Tempore  
Spencer L. Moore  
Chief Clerk of the House

Passed the Senate April 30, 2002

by the following vote: 17 Ayes,

10 Nays, 3 Not Voting

Robert A. Brown  
President of the Senate  
Channing Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

H.B. 2402

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

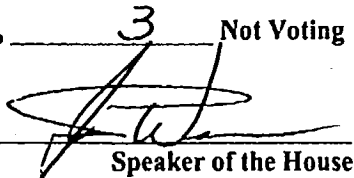
\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 16, 2002,

by the following vote: 33 Ayes,

24 Nays, 3 Not Voting

  
Speaker of the House

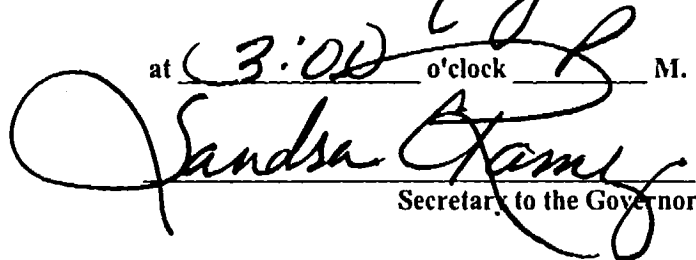
Norman L. Moore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002

at 3:00 o'clock P M.

  
Secretary to the Governor

Approved this 22nd day of

May, 2002,

at 4:47 o'clock P M.

  
Governor of Arizona

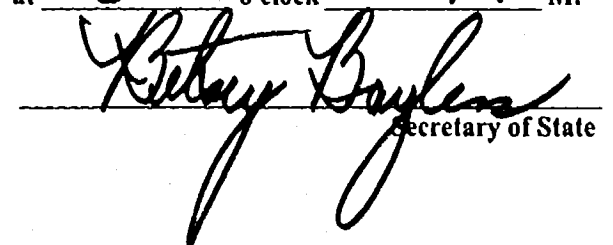
H.B. 2402

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of May, 2002

at 3:23 o'clock P M.

  
Secretary of State